

**UNITED STATES NAVY-MARINE CORPS  
COURT OF CRIMINAL APPEALS  
WASHINGTON, D.C.**

**Before  
F.D. MITCHELL, J.A. FISCHER, T.J. STINSON  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**MITCHELL J. BETTES  
AVIATION BORATSWAIN'S MATE AIRMAN APPRENTICE (E-2),  
U.S. NAVY**

**NMCCA 20150140  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 22 January 2015.  
**Military Judge:** CAPT K.R. O'Neil, JAGC, USN  
**Convening Authority:** Commanding Officer, USS ESSEX (LHD 2).  
**For Appellant:** CDR Glenn Gerding, JAGC, USN.  
**For Appellee:** Mr. Brian Keller, Esq.

**30 July 2015**

**OPINION OF THE COURT**

After careful consideration of the record, submitted without assignment of error, we affirm the findings and sentence as approved by the convening authority. Art. 66(c), Uniform Code of Military Justice, 10 U.S.C. § 866(c). To the extent that the convening authority's action purports to order the suspended punitive discharge executed upon completion of appellate review, as noted by the appellant in a footnote to his pleading, it is a nullity and does not require corrective action. See *United States v. Tarniewicz*, 70 M.J. 543 (N.M.Ct.Crim.App. 2011).

For the Court

*R.H. Troidl*  
R.H. TROIDL  
Clerk of Court



1001